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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/444,359 | 11/18/1999 | DONALD E. GILLESPIE | USW#1674 | 8540 |
| 22193 | 7590 | 06/03/2005 | EXAMINER | |
| QWEST COMMUNICATIONS INTERNATIONAL INC LAW DEPT INTELLECTUAL PROPERTY GROUP 1801 CALIFORNIA STREET, SUITE 3800 DENVER, CO 80202 | | | NGUYEN, TU X | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2684 | |

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/444,359

Applicant(s)

GILLESPIE ET AL.

Examiner

Tu X Nguyen

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2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-17 and 19-42 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-17 and 19-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1 and 17 have been considered but are persuasive.

Applicants argue that Myers et al. do not teach "wherein each rule received from the mobile subscriber at the wireless network includes a specification for at least one geographic area". However, Myers et al. disclose "the user defines a desired zone of interest, and transmits the desired user zone and communication service options to all of the wireless service providers in the transmission area" (see col.4 lines 9-14, 35-37 "desired zone" corresponds to "specification for at least one geographic area", and "service options, service type" reads on "rule").

Applicants argue Myers appears to teach methods by which a user may obtain wireless phone service outside his home area...these teachings of Myers fail to anticipate the Applicants' claimed invention. However, the Examiner does not rely on "outside his home area" for a specification for at least one geographic area.

Applicants argue that "More specifically, Myers fails to teach rules for processing the at least one telephone service". However, Myers disclose a mobile telephone service options (see col.1 lines 10-11, col.4 lines 10-11, "a mobile telephone service options" reads on "rules for processing one telephone service").

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-17, 19-33, 37-38 and 42, are rejected under 35 U.S.C. 102(e) as being anticipated by Myers et al. (US Patent 6,618,594).

Regarding claim 1, Myers et al. disclose a method for processing telephone calls (see col.1 lines 11-29) for a mobile subscriber associated with a wireless network the method comprising:

at the wireless network, receiving from the mobile subscriber user-defined, location-dependent rules associated with at least one telephone service subscribed to by the mobile subscriber, wherein each rule received from the mobile subscriber at the wireless network includes a specification for at least one geographic area associated with the mobile subscriber and rules for processing the at least one telephone service for the mobile subscriber when the mobile subscriber is in one of the geographic areas (see col.4 lines 6-39),

determining a current location of the mobile subscriber (see col.3 lines 16-25);
and

processing the telephone services based on the location-dependent rules and the current location of the mobile subscriber (see col.3 lines 27-55, col.4 lines 26-39).

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Regarding claims 3-4 and 19-20, Myers et al. disclose defining the at least one geographic includes defining a dynamic area dependent on the instantaneous location of the subscriber (see col.4 lines 1-15).

Regarding claims 5-7, 21-23, Myers et al. disclose the specification defines a static geographic area independent of the current location of the subscriber (see col.3 lines 37-55).

Regarding claims 8-9, 11, 14-15 and 24-25 and 27, Myers et al. disclose everything as claim 1 above. More specifically, Myers et al. disclose receiving a signal from the mobile subscriber (see col.4 lines 26-39); determining the location of the mobile subscriber based on the signal from the mobile subscriber and the known location of the at least one base station (see col.3 lines 27-35).

Regarding claim 10, 26, Myers et al. disclose receiving signal includes the signal from the wireless subscriber in response to a prompt from the wireless network (see col.4 lines 6-19).

Regarding claims 12-13 and 28-29, Myers et al. disclose the service logic, in receiving the signal, is further operative to receive a strength of the signal from the mobile subscriber (see col.3 lines 34-35, "triangulation" reads on "signal strength, triangulation is a method to determined user location base on signal strength).

Regarding claims 16 and 32, Myers et al. disclose determining supplemental subscriber information from the mobile subscriber (see col.2 line 56 through col.3 lines 15); and wherein processing a telephone call further comprises processing the telephone call based on the supplemental subscriber information (see col.4 lines 6-19).

Regarding claims 17 and 30-31, Myers et al. disclose database (see col.3 line 59 through col.4 line 19, "database" is inherently including in the system for completing the communication between subscriber and the network) for storing user-defined, location-dependent rules associated with at least one telephone service subscribed to by the mobile subscriber; and service logic for determining a current location of the mobile subscriber and generating call processing instructions for processing the telephone calls based on the user-defined, location-dependent rules and the current location of the mobile subscriber (see col.3 line 59 through col.4 line 19, "service logic" is inherently including in the system for completing the communication between subscriber and the network).

Regarding claims 33, 37-38 and 42, Myers et al. disclose the current location of the mobile subscriber includes an area not defined by the boundaries of a cell of the wireless network (see col.4 lines 1-5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 34 and 39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. in view of Rodrigues (US Patent 6,577,857).

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Regarding claims 34 and 39, Myers et al. fail to disclose at least one telephone service includes caller identification.

Rodrigues discloses caller identification (col.10 lines 21-45). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Myers et al. with the above teaching of Rodrigues in order to provide services to authorized subscriber.

6. Claims 35-36 and 40-41, are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. in view of Dufour et al (US Patent 6,212,377).

Regarding to claims 35-36, 40-41, Myers et al. fail to disclose at least one telephone service includes call forwarding and do not disturb.

Dufour et al. disclose at least one telephone service includes call forwarding and do not disturb (see col.4 lines 30-45). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Andersson with the above teaching of Myers et al. in order to provide basic services for wireless phones.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

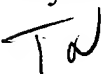
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at 571-272-7883. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


May 26, 2005


NAY MAUNG
SUPERVISORY PATENT EXAMINER